II.—MANUFACTURE, POSSESSION AND SALE.

1. In supersession of Government Notification No. 4116, dated 5th July 1887, and in exercise of the powers conferred by Sections 5 and 7 of the Indian Explosives Act (IV of 1884) and with the previous sanction of the Governor General in Council, His Excellency the Governor in Council is pleased to make the following rules to regulate the manufacture, possession and sale of explosives in the Presidency of Bombay.

Nothing in these rules relating to the possession of explosive shall apply in any port, as defined in the Indian Ports Act, 1889, for which the Local Government may have made, or may make, special rules under the Indian Explosives Act (IV of 1884) to regulate the possession of explosive.

Nothing in these rules shall apply to the manufacture, possession or sale of any explosive—

(*a*) by order of the Government, or

(*b*) by any person employed under the Government in the execution of the Indian Explosives Act (IV of 1884), or as a keeper of a magazine, artizan, soldier, sailor, policeman, or otherwise, or enrolled as a Volunteer under the Indian Volunteers Act (XX of 1869), in the course of his employment or duty as such.

Rules under the Explosives Act, 1884, for the Manufacture, Possession and Sale of Explosives in the Presidency of Bombay.

PRELIMINARY.

[Rule 1 is identical with Rule 1 under the Transport and Import Rules.]

MANUFACTURE, POSSESSION, AND SALE.

(*a*) *General Rules.*

2. An explosive shall not be manufactured except under and in accordance with the conditions of a license to manufacture the explosive granted under these rules :

Provided that this rule shall not apply—

(*a*) to the making of a small quantity of an explosive for the purpose of chemical experiment, and not for practical use or for sale ; or

(*b*) to the filling for private use, and not for sale, of any safety cartridges to the amount allowed by these rules to be possessed for private use.

3. Whoever manufactures an explosive in contravention of Rule 2, he shall be punishable with fine which may extend to three thousand rupees.

4. An explosive shall not be possessed except under, and in accordance with, the conditions of a license to possess the explosive granted under these rules :

Provided that this rule shall not apply—

(1) to a person possessing for his private use and not for sale—

(*a*) gunpowder to an amount not exceeding on the same premises 30 lbs., or in lieu of the said quantity of gunpowder 15 lbs. of any other explosive, or in lieu of any less amount of gunpowder not so possessed, half that amount of other explosive; or

(*b*) gunpowder contained in safety cartridges to an amount not exceeding 150 lbs., or in lieu thereof 150 lbs. of any explosive contained in ammunition of the 1st division of class 6, or in lieu of any less amount of gunpowder not so possessed, that amount of any explosive so contained:

Exception.—Nothing in the foregoing portion of the proviso to this rule shall be held to authorize the possession for private use—

(*a*) of any explosive of the 5th (fulminate) class; or

(*b*) of any explosive whereof the possession has been prohibited absolutely by notification under Section 6 of the Indian Explosives Act (IV of 1884); or

(*c*) where the possession of an explosive has by notification under that section been prohibited, subject to conditions, of any such explosive except subject to those conditions:

(2) to the possession of an unlimited quantity of fireworks, if obtained and intended for immediate use and not for sale, and if kept for a period not exceeding 14 days in a safe and suitable place, and with all due precautions for the public safety:

(3) to the possession of any explosive by a carrier or other person for the purpose of transport when the same is being kept or transported in accordance with the provisions of the rules made under the Indian Explosives Act (IV of 1884) with respect to the transport of such explosive: or

(4) to the possession of any gunpower, rockets or other explosive on board any ship in pursuance of the provisions of the Merchant Shipping Acts for the time being in force, or any order or regulation under those Acts.

(5) Whoever possesses an explosive in contravention of Rule 4 shall be punishable with fine which may extend to one thousand rupees.

6. An explosive shall not be sold except under, and in accordance with, the conditions of a license to sell the explosive granted under these rules:

Provided that this rule shall not apply to any person selling any explosive which for his own private use he lawfully possesses, to any person who is not legally prohibited from possessing the same.

7. Whoever sells an explosive in contravention of Rule 6 he shall be punishable with fine which may extend to five hundred rupees.

(*b*) *Licensing of the manufacture, possession and sale of gunpowder and certain explosives.*

8. Licenses to manufacture, possess and sell, or to possess and sell, or to possess an explosive of the 1st (gunpowder) class or of the 1st division of the 6th (ammunition) class, or of the 7th (firework) class, to such total amount during the currency of the license, and in such places as shall be approved by the licensing officer, may be granted in a Presidency town and its suburbs by the Commissioner of Police, and elsewhere by the District Magistrate:

Provided that nothing in any such license shall be deemed to entitle the license-holder to keep at the same time in the place to which the license applies more than 200 lbs. of gunpowder, 500 lbs. of explosive contained in ammunition of the 1st division of the 6th (ammunition) class, and 200 lbs. of fireworks, or any such less quantity of any of these explosives as the licensing officer may direct in this behalf.

9. The following fees shall be paid for every license granted under the last foregoing rule, namely:—

(1) a fee of twenty rupees for every license to manufacture, possess and sell the maximum quantity of explosive mentioned in the last foregoing rule, or any less quantity;

(2) a fee of ten rupees for every license to manufacture, possess and sell half the quantity of explosive mentioned in the last foregoing rule, or any less quantity;

(3) a fee of five rupees for every license to manufacture, possess and sell a fourth of the quantity of explosive mentioned in the last foregoing rule, or any less quantity;

(4) a fee of ten rupees to possess and sell the maximum quantity of explosive mentioned in the last foregoing rule, or any less quantity;

(5) a fee of five rupees to possess and sell half the quantity of explosive mentioned in the last foregoing rule, or any less quantity;

(6) a fee of two rupees eight annas to possess and sell a fourth of the quantity of explosive mentioned in the last foregoing rule, or any less quantity; and

(7) a fee of eight annas for every license to possess explosives.

10. Every license granted under Rule 8 shall be in Form A, B or C in the schedule hereto annexed, as the case may be, and shall be subject to the conditions prescribed therein.

11. Whoever commits a breach of any condition subject to which a license under Rule 8 is granted, shall be punishable with fine which may extend to five hundred rupees.

(c) Licensing of the manufacture of other explosives.

12. Licenses to manufacture explosives other than those referred to in Rule 8 shall be granted by the Governor General in Council on payment of such fees, in such form, for such term and subject to such conditions as the Governor General in Council may in each case prescribe:

Provided that the Governor General in Council shall, in the case of any such license, prescribe all the conditions which are hereinafter prescribed for licenses to possess an explosive of the same description and quantity as the manufacturing license is to cover.

13. Whoever commits a breach of any condition subject to which a license under Rule 12 is granted, shall be punishable with fine which may extend to three thousand rupees.

(d) Licensing of the possession of small quantities of other explosives.

14. Licenses for the possession, at such places as shall be approved by the licensing officer, of explosives other than those specified in Rule 8 may, if the explosive is not one of the 5th (fulminate) class, and if the quantity to be possessed at the same time does not exceed 60 pounds, be granted in a Presidency-town and its suburbs by the Commissioner of Police, and elsewhere by the District Magistrate.

15. Every license granted under Rule 14 shall be in Form D in the schedule hereto annexed, and shall be subject to the conditions prescribed therein. A fee of five rupees shall be paid for every such license.

16. Whoever commits a breach of any condition subject to which a license under Rule 14 is granted, shall be punishable with fine which may extend to one thousand rupees.

(e) Licensing of the possession of explosives generally.

17. Licenses for the possession of explosives other than those which may be issued under Rules 8 and 14 may, if the explosive is not one of the 5th (fulminate) class, be granted by the Local Government in accordance with the following procedure :—

(1) The applicant shall submit to the District Magistrate, or, in a Presidency-town and its suburbs, to the Commissioner of Police, an application in writing accompanied by a plan (drawn to scale) of the place in which it is proposed to keep the explosive (herein referred to as the magazine) and the site thereof.

(G. N. No. 2621, dated 18th April 1898).

Note.—If an application has already been made to the Local Government for the grant or approval of a site for a magazine or for permission to erect a magazine for the storage of the explosives in respect of which the application for license is being made, the fact should be so stated in the application for the license and a copy of any order or orders passed on the subject should be appended.

(2) The application shall specify such of the following matters as are applicable, namely—

(*a*) the boundaries of the land forming the site of the magazine, and either any belt of land surrounding the site which is to be kept clear, and the buildings and works from which it is to be kept clear, or the distances to be maintained between the magazine, or any part thereof, and other buildings and works;

[If a table of minimum distances has been prescribed in this behalf by the Governor General in Council, or the Local Government with the sanction of the Governor General in Council, the distances to be maintained between the magazine and the various kinds of buildings shall not be less than those specified for the explosive in question (when stored in the quantity intended) in the Government list of distances. Pending the issue of such table of distances as aforesaid, the requisite information as to the distance to be maintained between the magazine, or any part thereof, and other buildings and works, shall be given in Form G in the schedule hereto annexed, which form should be obtained by the applicant from the Chief Inspector of Explosives, Madras and Bombay Presidencies.] (G. N. No. 2621, dated 18th April 1898).

(*b*) the situation, character and construction of all the mounds, buildings, and works on or connected with the magazine, and the distances thereof from each other;

(*c*) the amount of explosives and of ingredients thereof wholly or partly mixed to be allowed at the same time within the boundaries of the magazine; and

(*d*) any special terms which the applicant may propose by reason of any special circumstances arising from the locality, the situation or construction of any buildings or works, or the nature of any process or otherwise.

(3) Upon receipt of the said application—

(*a*) The District Magistrate or Commissioner of Police, as the case may be, shall thereupon cause notice to be published of the application, and fix a date on which any persons shall be heard objecting to the establishment of a magazine on the proposed site, who have not less than seven clear days before the day of hearing sent to the said District Magistrate or Commissioner of Police, and to the applicant, notice of their intention to appear and object, with their name, address, and calling, and a short statement of the grounds of their objection.

(*b*) Where the site of the proposed magazine is situate within, or within one mile of, the limits of the jurisdiction of any Municipality or of any Port authority, the applicant shall serve on such authority notice of the application, and of the date of hearing by the District Magistrate or Commissioner of Police.

(*c*) The said notices shall be published and served at the cost of the applicant by the District Magistrate or Commissioner of Police not less than one month before the date of hearing.

(*d*) The District Magistrate or Commissioner of Police shall fix the date of hearing as soon as practicable after application is made to him, and the time so fixed shall be as soon as practicable after the expiration of the said month from the publication and service of the notices by the applicant.

(*e*) On consideration of the application, and on making such enquiry as may be deemed necessary, the District Magistrate or Commissioner of Police may dissent altogether from the establishment of such new magazine on the proposed site, or assent thereto, either absolutely, or on any conditions requiring additional restrictions or precautions.

(*f*) On the completion of the enquiry, the District Magistrate or Commissioner of Police shall forward the application with his recommendation to the Local Government. The Local Government may thereupon grant the license applied for, either in accordance with the recommendation of the District Magistrate or Commissioner of Police, or with the addition of any additional restrictions and precautions as may be deemed proper, or may refuse such license:

Provided that, if the distance of the proposed magazine from any dwelling-house, highway, street, public thoroughfare or public place is less than 200 yards, or if for any other reason it considers it advisable to do so, the Local Government shall, before granting the license, obtain the opinion of an Inspector of Expolsives after inspection of the place by him.

If a table of distances to be observed has been prescribed, it will be sufficient to see that the provisions regarding the minimum distance so laid down for the case is not infringed.

Provided that, if the application is for the renewal of a license issued prior to the issue of the table of distances, the Local Government may, if the Inspector of Explosives advises that this can be done without danger, renew the license without requiring that the table of distances shall be complied with.

(*g*) If the Local Government grant a license, it shall forward the same to the District Magistrate or Commissioner of Police, who, when satisfied that the magazine is sufficiently completed according to the license to justify the use thereof, shall confirm the license; but, until so confirmed, the license shall not come into force.

18. A fee of Rs. 20 shall be paid for every license granted under Rule 17.

19. Every license granted under Rule 17 shall be in Form E in the schedule hereto annexed, and shall be subject to the conditions prescribed therein.

19A. When the previous sanction of the Government of India and subject to any conditions or restrictions that may be deemed necessary, the Local Government may authorize the possession of explosives under Rule 17 in a floating magazine, and may direct the necessary modifications in the procedure prescribed in Rule 17 and in license Form E in such special cases.

20. Whoever commits a breach of any conditions subject to which a license under Rule 17 is granted shall be punishable with fine which may extend to one thousand rupees.

21. Licenses for the possession of explosives of the 5th (fulminate) class shall be granted by the Governor General in Council on payment of such fees and in such form, and subject to such conditions, as he may in each case prescribe.

22. Whoever commits a breach of any condition subject to which a license is granted under Rule 21 shall be punishable with fine which may extend to one thousand rupees.

(*e*) *Licensing of the sale of other explosives.*

23. Licenses for the sale of explosives other than those referred to in Rule 8 may be granted in a Presidency-town and its suburbs by the Commissioner of Police, and elsewhere by the District Magistrate, to any person licensed to possess the same.

24. A fee of five rupees shall be paid for every license granted under Rule 23.

25. Every license granted under Rule 23 shall be in Form F in the schedule hereto annexed, and shall be subject to the conditions therein prescribed.

26. Whoever commits a breach of any condition subject to which a license under Rule 23 is granted, shall be punishable with fine which may extend to five hundred rupees.

(*f*) *Supplementary.*

27. The officers hereinunder mentioned are authorized, within the areas respectively specified below,—

(*a*) to enter, inspect and examine any place, carriage or vessel in which an explosive is being manufactured, possessed, used, sold, transported or imported under a license granted under the Indian Explosives Act (IV of 1884) or in which they have reason to believe that an explosive has been or is being manufactured, possessed used, sold, transported or imported in contravention of that Act, or of the rules thereunder;

(*b*) to search for explosives therein;

(*c*) to take samples of any explosive found therein, on payment of the value thereof; and

(*d*) at their discretion to seize, detain, remove and, if necessary for the public safety, destroy any explosive found therein in respect of which there may be reason to believe that the provi-

sions of the said Act or of the rules thereunder have been contravened.

Areas.	*Officers.*
In all parts of the Presidency of Bombay.	The Superintendent of the Gunpowder Factory, Kirkee. The Assistant Superintendent of the Gunpowder Factory, Kirkee.
Within their respective districts.	All District Magistrates.
Within the areas respectively subject to their jurisdiction.	All Magistrates subordinate to the District Magistrate.
In the Town of Bombay and its suburbs.	The Commissioner of Police, Bombay, and all Police officers of rank not below that of Inspector, if specially deputed in that behalf by the Commissioner of Police.

Provided that—

(1) whenever the Superintendent or the Assistant Superintendent of the Gunpowder Factory, Kirkee, or any Magistrate subordinate to the District Magistrate seizes, detains or removes any such explosive, he shall report the fact to the District Magistrate; and that

(2) neither the Superintendent nor the Assistant Superintendent of the said Factory, nor any Magistrate subordinate to the District Magistrate, shall destroy any such explosive without the previous sanction of the District Magistrate.

23. A person licensed to possess an explosive shall not be required to take out a license for the manufacture of the explosive by reason that in connection with his magazine or licensed premises he fills for sale or otherwise any cartridges for small arms with the said explosive:

Provided that he observes the following regulations, namely:—

(1) There shall not be in the room in which such filling is being carried on more than five pounds of gunpowder, or an amount to be prescribed by the Local Government in this behalf of any other explosive, except it is made up into safety cartridges;

(2) Any work unconnected with the making of the cartridges shall not be carried on in the room while such filling is being carried on;

(3) There shall not be in the room while such filling is being carried on any fire nor any artificial light, except a light of such construction, position or character as not to cause any danger of fire or explosion;

(4) The room in which the filling is carried on shall be detached from the magazine, but in the immediate neighbourhood thereof, and at such distance therefrom as may be specified on the license by the authority granting the same; and

(5) The occupier shall give notice to the authority granting his license that he intends to carry on such filling of cartridges as is allowed by this rule.

28A. A person licensed to possess an explosive shall not be required to take out a license for manufacture by reason that, in connection with his magazine or licensed premises he, by filling cartridges, making charges, dry, sifting, fitting or otherwise, adapts or prepares the said explosive for use exclusively in his mine or quarry or in some excavation or work carried on by him, or under his control.

Provided that he observes the following regulations, namely:—

(1) There shall not be in the workshop in which such adaptation or preparation is carried on more than 100 lbs. of gunpowder, or an amount to be prescribed by the Local Government in this behalf of any other explosive;

(2) Any work unconnected with such adaptation or preparation shall not be carried on in the said workshop while adaptation or preparation is being carried on;

(3) The said workshop shall be detached from the magazine, but in the immediate neighbourhood thereof, and at such distance therefrom as may be specified on the license by the authority granting the same;

(4) An explosive of one description shall not be converted into the explosive of another description, and shall not be unmade or resolved into its ingredients; and

(5) The occupier shall give notice to the authority granting his license that he intends to carry on such adaptation or preparation as is allowed by this rule.

GENERAL.

29. Every license granted under these rules shall be liable to be forfeited on breach of any of the conditions subject to which it is granted.

30. If a person licensed to manufacture, possess or sell an explosive, dies or becomes bankrupt, or becomes mentally incapable or otherwise disabled, the person carrying on the business of such licensee shall not be liable to any penalty or forfeiture under the Indian Explosives Act (IV of 1884) or the rules thereunder for carrying on the business or acting under the license during such reasonable time as may be necessary to allow him to make an application to the authority granting the license for a new license in his own name during the currency of the unexpired portion of the original license. Such new license shall be granted on payment of one rupee.

31. The fees leviable under these rules shall be taken in the shape of impressed stamps. Applications for licenses or renewals of licenses shall, if not otherwise provided, be written on plain paper, the licenses themselves being issued on impressed stamps of value equal to the amount of fee leviable in respect of such licenses or renewals.

32. All licenses except licenses to manufacture an explosive under Rule 12, or to possess explosive of the 5th (fulminate) class under Rule 21, shall

expire on the 31st December of the year for which they are granted. Licenses granted under Rule 12, 21, shall be current for the terms therein specified. But the currency of a license may, unless the circumstances have so changed that the grant of a new license would either not be authorized under the Act and the rules, or is deemed objectionable by the licensing authorities an application previous to its expiration, be renewed on payment of the original fee.

33. When a license granted in accordance with these rules is lost, or accidentally destroyed, a duplicate may be granted to the licensee on payment of a fee of eight annas.

34. Any person holding a license, or acting under a license, granted in accordance with these rules, shall be bound to produce the same, when called upon to do so by any Inspector of Explosives or any Magistrate or by any Police officer in charge of a Police station, or by any Police officer of higher rank.

35. All Magistrates or other authorities acting under these rules shall perform their duties subject to the control of their executive superiors and of the Local Government.

36. Any authority empowered to grant a license under the foregoing rules may, if he thinks fit, direct by an order written on the license that it shall have the effect of a like license under the Indian Arms Act (XI of 1878).

G. N. No. 8364, dated 28th December 1898.

37. Any persons lawfully entitled under the Indian Arms Act (XI of 1878), or the rules thereunder, to possess any explosive coming under the head of ammunition as defined in that Act, may possess, without license under these rules, any such explosive in such quantities as may be prescribed, by that Act, or the rules thereunder, or, when no quantities are prescribed, in reasonable quantities for his own private use.

SCHEDULE.

Form A.

(*See Rule 8.*)

FEE— RUPEES IN STAMPS.

License to manufacture, sell, and possess gunpowder or an explosive of the 1st division of the 6th (Ammunition) class or of the 7th (Firework) class.

Granted in a Presidency-town and its suburbs by the Commissioner of Police and elsewhere by the District Magistrate.

Name, &c., of license-holder, and place of residence.	Place of business, factory, or shop.	Maximum quantity of explosive to be kept at any one time.	Description and quantity to be manufactured during the year.	Description and quantity to be possessed and sold during the year.	Date on which license expires.
					The 31st of December 189 .

_____ *District.*
_____ *189* .

Seal.

(Signature)

_____ *of* _____